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PTO/SB/01 (12-97)

Approved for use through 9/30/00.OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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O I P E

JUN 27 2001

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number 21501-728

First Named Inventor SORIN

COMPLETE IF KNOWN

Application Number 09/805,489

Filing Date 03/13/01

Group Art Unit Not Yet Assigned

Examiner Name Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**OPTICAL APPARATUS WITH FARADAY ROTATOR, STATIC GAIN FLATTENING
FILTER AND VARIABLE OPTICAL ATTENUATOR**

(Title of the Invention)

the specification of which
☐ is attached hereto
OR

☒ was filed on (MM/DD/YYYY)

03/13/01

as United States Application Number or PCT International

Application Number 09/805,489 and was amended on (MM/DD/YYYY) ☐ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
KR 97-24796	KR	06/06/1997	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.
60/206,767	05/23/2000	

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/801,566	03/07/2001	
09/765,971	01/19/2001	
09/729,661	12/04/2000	
09/666,763	09/21/2000	
09/571,092	05/15/2000	
09/425,099	09/23/1999	
09/022,413	02/12/1998	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number 021971

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

Name	Registration Number	Name	Registration Number

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number or Bar Code Label

021971

OR ☐ Correspondence address below

Name	Paul Davis						
Address	Wilson Sonsini Goodrich & Rosati						
Address	650 Page Mill Road						
City	Palo Alto	State	CA	ZIP	94304		
Country	U.S.	Telephone	650-493-9300		Fax	650-493-6811	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))				Family Name or Surname			
Wayne V.				SORIN			
Inventor's Signature	Wayne V. Sorin					Date	4/27/01
Residence: City	Mountain View	State	CA	Country	US	Citizenship	CA
Post Office Address	3579 Cambridge Lane						
Post Office Address							
City	Mountain View	State	CA	ZIP	94040	Country	US

☐ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

Please Type a plus sign (+) inside this box → +

PTO/SB/02A (3-97)

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>1</u> of <u>1</u>
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Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor											
Given Name (first and middle (if any))				Family Name or Surname											
Byoung Yoon				KIM											
Inventor's Signature		<i>Byoung Yoon Kim</i>			Date		4/24/01								
Residence: City		Mountain View		State		CA		Country		US		Citizenship		KR	
Post Office Address		870 E. El Camino Real, Apt. 15													
Post Office Address															
City		Mountain View		State		CA		ZIP		94040		Country		US	
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor											
Given Name (first and middle (if any))				Family Name or Surname											
Inventor's Signature								Date							
City				State				Country				Citizenship			
Post Office Address															
Post Office Address															
City				State				ZIP				Country			
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor											
Given Name (first and middle (if any))				Family Name or Surname											
Inventor's Signature								Date							
City				State				Country				Citizenship			
Post Office Address															
Post Office Address															
City				State				ZIP				Country			

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POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS

The undersigned ASSIGNEE of the entire interest in:

- ☐ U.S. Patent No. _____
☒ U.S. application no. 09/805,489, filed on 03/13/01

hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

Attorney Name	Reg. No.	Attorney Name	Reg. No.
Paul Davis	29,294	U.P. Peter Eng	39,666
David J. Abraham	39,554	Barbara J. Courtney	42,442
George A. Willman	41,378	Van Mahamedi	42,828
Richard L. Gregory	42,607	Shirley Chen	44,608
Kenta Suzue	45,145	Shaliesh Mehra	44,934
John Gilmore	46,375	Jonathan T. Manson	43,774
David J. Weitz	38,362		

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

- ☒ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☐ the Assignment recorded on ____ at reel ____, frames ____ - ____.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

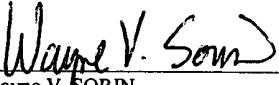
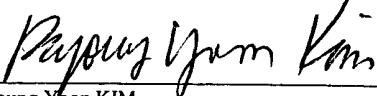
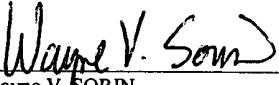
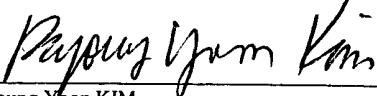
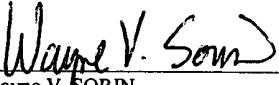
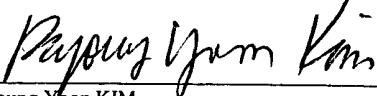
Direct all correspondence and telephone calls to:

Name	Paul Davis					
Address	Wilson Sonsini Goodrich and Rosati					
Address	650 Page Mill Road					
City	Palo Alto	State	CA	Zip	94304	Customer No.: 021971
Country	USA	Telephone	(650) 493-9300	Fax	(650) 493-6811	

ASSIGNEE:

Name: Robert Sandberg
Date: 4/24/01

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ASSIGNMENT OF APPLICATION	Docket Number 21501-728							
<p>Whereas, the undersigned:</p> <table style="width: 100%; border: none;"><tr><td style="width: 33%; vertical-align: top;">1. SORJIN, Wayne V. Mountain View, CA</td><td style="width: 33%; vertical-align: top;">2. KIM, Byoung Yoon Mountain View, CA</td><td style="width: 33%; vertical-align: top;">3. 4.</td></tr></table> <p>hereinafter termed "Inventors", have invented certain new and useful improvements in</p> <p style="text-align: center;">OPTICAL APPARATUS WITH FARADAY ROTATOR, STATIC GAIN FLATTENING FILTER AND VARIABLE OPTICAL ATTENUATOR</p> <p><input checked="" type="checkbox"/> for which an application for United States Patent was filed on <u>03/13/2001</u>, Application No. <u>09/805,489</u> <input type="checkbox"/> for which an application for a United States Patent was executed on _____, and</p> <p>WHEREAS, <u>Novera Optics, Inc.</u>, a corporation, having a place of business at <u>401 Charcot Avenue, San Jose, CA 95131</u>, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.</p> <p>NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:</p> <ol style="list-style-type: none">1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith. <p>IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: bottom;">Date: <u>4/27/01</u></td><td style="width: 50%; vertical-align: bottom;"><div style="text-align: center;"> _____ Wayne V. SORJIN</div></td></tr><tr><td style="vertical-align: bottom;">Date: <u>4/24/01</u></td><td style="vertical-align: bottom;"><div style="text-align: center;"> _____ Byoung Yoon KIM</div></td></tr></table>		1. SORJIN, Wayne V. Mountain View, CA	2. KIM, Byoung Yoon Mountain View, CA	3. 4.	Date: <u>4/27/01</u>	<div style="text-align: center;"> _____ Wayne V. SORJIN</div>	Date: <u>4/24/01</u>	<div style="text-align: center;"> _____ Byoung Yoon KIM</div>
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Date: <u>4/24/01</u>	<div style="text-align: center;"> _____ Byoung Yoon KIM</div>							